

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHAWN DRUMGOLD
Plaintiff,

v.

TIMOTHY CALLAHAN,
FRANCIS M. ROACHE,
PAUL MURPHY,
RICHARD WALSH, and
THE CITY OF BOSTON,
Defendants.

C.A. NO.: 04-11193NG

**DEFENDANT RICHARD WALSH'S
MOTION FOR SUMMARY JUDGMENT**

In this civil action, the Plaintiff, Shawn Drumgold ("Drumgold"), asserts claims pursuant to 42 U.S.C. § 1983 (Counts I and II) and the Massachusetts Civil Rights Act ("MCRA") (Count IV) against the Defendant, Richard Walsh ("Walsh"). Specifically, Drumgold asserts that Walsh withheld exculpatory evidence and engaged in conduct which deprived him of his right to a fair trial. Walsh now moves pursuant to Fed. R. Civ. P. 56(c), that this Honorable Court grant summary judgment in his favor as to Counts I, II and IV of Drumgold's Complaint because there is no evidence that Walsh withheld any exculpatory evidence or engaged in any conduct which impaired Drumgold's right to a fair trial. Thus, there are no material issues of fact and Walsh is entitled to judgment as a matter of law.

In support of this motion, Walsh submits and incorporates herein by reference: (1) *Consolidated Statement of Undisputed Material Facts in Support of Motions for Summary Judgment of Defendants Richard Walsh and Paul Murphy*; (2) *Memorandum of Law in Support*

of Defendant Richard Walsh's Motion for Summary Judgment; and (3) Consolidated Exhibits in Support of Defendants' Motions for Summary Judgment, all of which have been filed herewith.

Defendant,
RICHARD WALSH,
By his attorney,

DATED: October 1, 2007

/s/ Hugh R. Curran
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document has been mailed, this 1st day of October, 2007 to all counsel of record:

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